thereof, so as to extend beyond the general line of the fronts of the houses, &c. &c." And as he considered this was before the general line of the fronts, was of opinion that the portico in question could not be permanently inclosed before that line.

The builder urged, that as the said open portico had stood for many years, the inclosure might be made permanently to the same.

The referees determined,—"That inasmuch as the 'portico' referred to in the said requisition, when inclosed, would not be such a projection as is allowed by the said Act to project beyond the general line of fronts in any street or alley, it will be contrary to the Metropolitan Buildings Act either to inclose such portico with any materials whatsoever, or to take down the same and erect in lieu thereof such a projection as is proposed by the said William Hill."

EXTERNAL INCLOSURES.

Mr. Dennis having erected a building for workshops, &c., in Albion-road, Woolwich, "had constructed the northern front of the said building above the first floor entirely of wood framing and boarding, and glazed sashes and frames, the same being flush with the brickwork below, and at the ends thereof, contrary to the provisions of the said Act."

The surveyor gave him notice of the irregularity, but he omitted to amend it, "in consequence, as he stated, of the uncertainty in which he had been as to whether the South-Eastern Railway Company would purchase the building for the purpose of removing the same."

The referees' award was,—"That inasmuch as the front of the workshops referred to in the said information has been built of wood framework and weather boarding, in the second or one-pair story thereof, the same is contrary to the Metropolitan Buildings Act, and we do hereby direct the said Thomas Dennis forthwith to remove the same, and if the front of the said workshop be rebuilt, then to rebuild so much thereof as abuts upon his own premises, of the materials and in the manner prescribed by the said Act for external walls, placing all the necessary woodwork for the window frames in 4-inch reveals, formed in piers carried up in brickwork, and to rebuild so much thereof as abuts on adjoining premises, of the materials and in the manner prescribed by the said Act for party-walls, making no openings therein, and carrying up the same above the roof or gutter adjoining thereto, to the height directed by the said Act."

PARTY PARTITIONS, *quasi* PARTY WALLS.

Mr. Thornton, owner of a house in Battersea Rise, gave ordinary notice to the district-surveyor of Clapham and South Battersea, that he apprehended "that the *party wall*, or some part thereof, on the line of junction," &c., was so far out of repair as to need to be repaired or pulled down, and required a survey to be made.

The surveyor having made the survey, certified as follows:—"I do not find that there is any party-wall existing between the houses referred to in the notice, No. 9, delivered to me, but in lieu thereof, that there is a party timber partition.

And whereas the notice, No. 9, delivered to me, does not appear to me to be applicable to the case to which it refers, I withhold certifying as to the manner, &c., in which such party timber partition ought to be pulled down and rebuilt, unless I shall be further required by the official referees to do so."

The building owner appealed against this certificate in these words:—"Inasmuch as the surveyor does not certify that the work, viz., to pull down the party structure, and in lieu thereof to build a proper party-wall, is proper to be done, and I hereby request you to inquire into the matter, and to award thereon."

And the adjoining owner (Mr. Picking) appealed against it, "inasmuch as the notice applies to a party-partition out of repair, whereas the party-partition in question is in perfect repair; and also because the intention of the building owner of the adjoining premises is not to repair and restore his property, but to improve, by pulling down and making cellars, which are not now there; and this, I think, should not be done by putting me to additional expense and loss."

At the hearing, Mr. J. A. Young, surveyor of building owner, produced drawings of the intended new house, and stated, "that it was not proposed to remove the whole of the party structure in question, but only about 13 feet from the front towards the rear, and the return; and that it was proposed to make a basement-story, which would be below the level of the lowest floor of the houses parted by the existing party structure; and also, that Mr. Thornton's new house should extend out beyond the house next adjoining on the west side, up to the line of the public footway; to which Mr. Picking objected, on the ground that it would be a projection beyond the general line of fronts, and would be injurious to him."

The referees awarded as follows:—

"First. With regard to the matter of the appeal of the said Thomas Thornton, that the structure which separates the houses of the building owner and of the adjoining owner, although it be in part a timber partition, is sufficiently described in the notice of the building owner to the district-surveyor as 'the party-wall' between such houses, and that the district-surveyor ought thereupon to have proceeded, and to have certified in the manner and to the effect set forth in the 24th section of the Metropolitan Buildings Act.

Secondly. With regard to the matter of the appeal of the said William Picking, that the district-surveyor, not having certified upon the points raised therein, namely, the condition of the party structure, and at whose expense the new party-wall should be built, such appeal does not set forth any ground of objection to the said certificate; but inasmuch as by the failure of the district-surveyor to certify in the manner directed by the said Act, the said William Picking was not informed of the liabilities to which, as the owner of one of two buildings separated in whole or in part by a party timber partition, he is exposed upon the rebuilding of the adjoining building, nor of the intention of the building owner in the case as to the replacing of such party structure, the said William Picking was justified in raising a question so as to induce further inquiry.

Thirdly. With regard to the said certificate of the district-surveyor, we do by this our award reverse the same; and in pursuance of the request of the said parties, that the official referees should by their award supply the deficiences of the said certificate, we do hereby find and certify, determine and award,

First. That the party structure referred to in the said notice as 'the party-wall' between the premises in question, is structurally of timber from the outside of the fronts of the houses parted thereby, to the west end of that part of the said party structure which returns westward. And inasmuch as it is the intention of the said Thomas Thornton wholly to rebuild his said house, it is his duty to take down such timber partition and in lieu thereof to build a proper party-wall, and such work ought to be done, and that at the joint expense of the owners of the premises parted thereby in pursuance of the provisions of the said Act in that behalf; and that so much of the said party structure as extends rearward from the west end of the return aforesaid, is built of brickwork, and is so defective as to render it necessary to take down and rebuild the same in case the said Thomas Thornton in rebuilding his said house should use the same otherwise than as a party-fence-wall.

Secondly, That inasmuch as the new house proposed to be erected by the said Thomas Thornton will require a party-wall of greater thickness than the adjoining house of the said William Picking, and will have a basement story, the new party-wall from the foundations upwards, ought to be built as proposed, of the thickness required for the house of the said Thomas Thornton, but that no part of the new party-wall ought to extend beyond the present line of the fronts of the said two houses, without the consent of the said William Picking in pursuance of the 38th section of the said Act, and in no case ought any part of the new party-wall to extend beyond the general line of the fronts of the buildings in the place in question, which we do hereby determine and award to be,"—so and so.

"Thirdly. That the central line of the present party structure on the ground-floor is the line of junction between the said premises, and that the new party-wall should be erected upon such line in the manner directed by the said Act in schedule D, part 3, with regard to party-walls, in reference to the site thereof.

Fourthly. That it will not be necessary to lay to either of the said houses any part of the soil or ground of the other of the said houses.

Fifthly. That the whole of the expenses of the party-wall in the basement story and the shoring rendered necessary thereby, and all the other expenses (except a due proportion of the expenses incurred in respect of so much of the new party-wall as will be used by the said William Picking), being paid by the said Thomas Thornton, and any damage that may be occasioned by the works being made good by him, no compensation should be paid by either the building owner or the adjoining owner to the other, in consequence of the proposed works."

The costs of the proceedings except the expenses attending the appeals to be paid by the building owner (1*l.* 19*s.* 2*d.*) "subject nevertheless to the provisions of the first-mentioned Act (section 46), relative to the reimbursement by the adjoining owner of expenses incurred by the building owner in respect of any party structure, built to part buildings or premises belonging to other owners from the buildings or premises belonging to himself."

The costs of the appeals 3*l.* 14*s.* 2*d.*, to be paid by the district surveyor.

We may further add some recent proceedings before the magistrates, in respect of enforcing an award:—

OPENINGS IN PARTY WALLS.

At Guildhall, a few days ago, Messrs. Bridger and Ashby, builders, were summoned to answer the complaint of Mr. Mountague, the surveyor of the north district of London, for neglecting to comply with the award of the official referees, in respect to bricking up certain openings in a party wall in Love-lane, or inserting iron doors in such openings, as a precaution against the spreading of fire.

Mr. Mountague stated the nature of the case. Messrs. Spence, Bagally, and Co., are warehousemen, and occupy two adjoining houses for the purposes of the trade. Some time ago they employed the defendants to make some alterations to obtain an internal communication on different floors from one house to the other. It being a party wall between two houses, originally built as dwelling-houses, it was his duty as surveyor to bring the matter under the notice of the official referees, to obtain their directions as to the precautions to be taken. They required iron doors in stone cases to be affixed in every opening, but Messrs. Spence thought fit to finish the openings in the wall in some way of their own. The referees made an award that Messrs. Spence should pay 15*l.*, as the expenses of the reference, and that the builders should either brick up the openings or fit up iron doors to them, according to the terms of award. The present summons was taken out to enforce obedience on the part of the builders, by requiring them to enter into recognizances to obey the award within two months, and by committing them if they refused to be bound or neglect to abate the cause of complaint.

Mr. Young, the solicitor for the defendants, said the award was about to be enforced as respected the payment of the fees, and an action would be raised upon the distress warrant to try the whole question; and as there really was a question in the case, no other steps ought to be taken, which could only come to the same point of raising the question for the superior court. Messrs. Spence, Bagally, and Co. denied that they had done any thing that required the interference or directions of the referees. They denied that their authority, or their award was of any legal force, and they were fortified in this denial by the opinions of the late and of the present Solicitor-General. Such being the state of the case, he felt bound to take advantage of any technical objection he could; and he objected that by the Act every prosecution or action was to be commenced within six months of the cause of complaint, whereas in this case the award was made fifteen months ago, and the complaint of non-compliance was not raised till now.

Mr. Alderman Farncomb asked how it was possible for the builders to comply with what was required of them. They had finished their job, and had left it some months. If

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